

**INFORMATION REQUIRED TO ACCOMPANY  
LEGISLATION MODIFYING CONTRACTS**

**ORDINANCE NO. \_\_\_\_ - 2006**

**MODIFICATION NO. 2 TO THE CONSTRUCTION CONTRACT FOR  
WASTEWATER TREATMENT FACILITIES INSTRUMENTATION AND CONTROL (I&C)  
SYSTEM UPGRADE**

**PROJECT NO. 650348  
CONSTRUCTION CONTRACT NO. J198B/S61B**

**1. Names, locations, and business status of all entities submitting bids on the original contract's procurement:**

- A. The Superior Electric Company, 1025 Dublin Road, Columbus, Ohio 43215, a Majority enterprise
- B. Shook, Inc. – Heavy & Environmental Group, 4977 Northcutt Place, Dayton, Ohio 45414, a Majority enterprise
- C. The Wagner Smith Company, 3178 Encrete Lane, Dayton, Ohio 45439, a Majority enterprise

**2. Name of the entity awarded the original contract:** The Superior Electric Company, Auditor's contract number EL001712, was awarded to this entity. On or about January 22, 2004, The Superior Electric Company notified the City of their default under the Contract. The Completion Surety, Liberty Mutual Insurance Company, entered into a Take-over Agreement with the City on April 29, 2004, for the completion of the Contract Work. The Contract Work is being completed by the Surety's Completion Contractor, The Superior Group.

**3. Scope of work performed to date, and future phasing:** The Contract provides for construction of a Plant Wide Process Control System and control system improvements at both the Jackson Pike Wastewater Treatment Plant and Southerly Wastewater Treatment Plant.

The value of work completed through February 6, 2006 is \$9,936,229.00. That amount is 93.5% of the \$10,628,600.00 Contract Amount.

All needed work additions are defined and priced, and there is sufficient funding for all remaining contract work in this modification. No further additions to contract work or funding are planned or anticipated.

**4. Schedule to work completion:** The Contract Notice to Proceed was issued November 20, 2001. Final Completion of construction was originally scheduled for January 29, 2004. Construction is now completed.

**5. Other Modifications to Date:**

Modification No. 1: \$1,723,000.00 (EL004603 Ordinance No. 2572-2003 January 26, 2004)

Modification No. 1 provided an additional contingency amount of \$1,723,000.00 to fund known costs of needed additions to contract work that would exceed the original contract contingency amount.

**6. Work to be performed under this Modification:**

Proposed Modification No. 2: \$855,557.00

The contract provides for instrumentation and control system improvements at the two wastewater treatment facilities. This modification will provide funding for additional items of work that have been identified as necessary and funding to settle several Contractor's claims for compensation, the cost of which will be greater than the remaining contract contingency amount. The cost for this modification is \$855,557.00. The additional funding requested by this ordinance is sufficient for the cost of the additional work.

\$809,600.00	-	Original Contract Contingency Amount
<u>\$1,723,000.00</u>	-	Modification No. 1 Additional Contingency Amount
\$2,532,600.00	-	Total Contingency Amount
<u>\$2,527,213.00</u>	-	Approved Change Orders
\$5,387.00	-	Remaining Contingency
\$860,944.00	-	Remaining Total Needs
<u>\$5,387.00</u>	-	Remaining Contingency
\$855,557.00	-	Requested Modification No. 2 Amount

**7. Why the need for this Modification could not have been anticipated:**

In any construction project, especially a project for renovation of existing facilities, changes to contract work are expected. Some reasons for additional work include: details of equipment and systems specified to be provided are reviewed and sometimes refined during construction in order to provide a facility that is optimally configured for operation and safety; components of the existing facility are concealed and conditions cannot be accurately determined prior to contract work; latent errors or omissions may exist in the design.

**8. Why the work to be performed under this Modification cannot be "bid out":**

The funding provided by this contract modification is for completion of the existing work of the contract. It is not deemed either feasible or reasonable to suspend work with the entity currently under contract, and undertake continuation of the work under a new procurement. The lengthy process for initiating a new procurement, and for a new entity to gain understanding of the project, would likely cause an unacceptable project delay and additional cost.

9. **Cost summary:**

Original Contract	\$ 8,905,600.00
Modification No. 1	\$ 1,723,000.00
Proposed Modification No. 2	\$ 855,557.00
Future Anticipated Needs	\$ <u>0.00</u>
CONTRACT TOTAL	\$11,484,157.00